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8 **UNITED STATES BANKRUPTCY COURT**  
9  
10 **EASTERN DISTRICT OF CALIFORNIA (SACRAMENTO DIVISION)**

11 In Re: ) CASE NO.: 11-42200-B-7  
12 )  
13 THOMAS ALAN PERON ) DCN: JSS-1  
14 LAURA ANN PERON, )  
15 ) MOTION TO COMPEL  
16 ) ABANDONMENT  
17 Debtor(s). )  
18 ) DATE: October 25, 2011  
19 ) TIME: 9:32 A.M.  
20 ) CTRM: 32, 6th Floor  
21 ) JUDGE: Thomas C. Holman  
22 )  
23 ) Robert T. Matsui U.S. Courthouse  
24 ) 501 I Street  
25 ) Sacramento, CA 95814  
26 )  
27 )  
28 )

29 Debtor(s), THOMAS & LAURA PERON (hereinafter "DEBTOR"), by and through the  
30 attorney of record, JOHN S. SARGETIS, herein bring a Motion to Compel the Trustee to Abandon  
31 the Estate's interest in DEBTOR'S business pursuant to 11 U.S.C. § 554(a) and Bankruptcy Rule  
32 6007.

33 **STATEMENT OF THE LAW**

34 Upon commencement of a bankruptcy case, the court may order the Trustee to abandon  
35 property of the Estate that is burdensome to the Estate or of inconsequential value and benefit to the  
36 Estate. 11 U.S.C. § 554(b). Property in which the Estate has no equity is of inconsequential value  
37 and benefit. Vu v. Kendall, 245 B.R. 644 (B.A.P. 9th Cir. 2000).

**ARGUMENT**

DEBTOR is sole proprietor of TOMCAT TRUMPETER'S (hereinafter "Business") which provides musical training and/or lessons to students. DEBTOR has operated the Business since 1988 and has no other employees. For the period of March 2011 to August 2011, the Business has managed a monthly gross income of approximately \$4,470.17 with estimated monthly expenses of \$996.61, providing a net monthly income of \$3,473.56 (*A true and correct copy of the Business's Profit & Loss has been filed under separate cover as Exhibit "A," but incorporated herein for reference*).

The assets of DEBTOR'S Business are outlined as follows (*A true and correct copy of the filed Schedule B has been filed under separate cover as Exhibit "B," but incorporated herein for reference*):

- (1) Flugele Horn (Eterna by Getzen), \$50.00
- (2) Yamaha SPX 90, \$25.00
- (3) Alesis Quadaverb, Digital Effects Processor, \$25.00
- (4) Klipsch Speakers (2x), \$50.00 total
- (5) Pevery M 4000, Amplifier, \$50.00
- (6) PSA Rack, \$25.00
- (7) Speaker Stands - Ultra (2x), \$40.00 total
- (8) Hamilton Music Stands (7x), \$70.00 total
- (9) Bach Trumpet (Stradivarius 37), fair condition \$200
- (10) Bach Trumpet (Stradivarius 37), good condition \$300
- (11) Bach Trumpet (Stradivarius 43), fair condition \$400
- (12) Yamaha Silent Brass, \$30.00
- (13) Jupiter Trumpet (Student model), \$50.00
- (14) JVC VCR, \$10.00
- (15) Office Chair (Norimex Fashion Ltd.), \$10.00
- (16) Turntable (Esoteric Sound RA-6), \$75.00
- (17) Tascam Digital/Casio Keyboard PS20, \$500.00

- 1 (18) Yamaha Amplifier HFR 5740, \$200.00  
2 (19) Klipsch Speakers, ceiling mounts (4x), \$200 total  
3 (20) Digital Camera (Sony Cybershot DSC P32), \$25.00  
4 (21) Zoom Telecorder H4, \$50.00  
5 (22) Samsung 40" LCD T.V., \$300

6 The above assets of the Business have been fully exempted in DEBTOR'S schedules;  
7 specifically, the have been exempted under C.C.P. § 703.140(b)(6) and C.C.P. § 703.140(b)(5) (*A*  
8 *true and correct copy of the filed Schedule C has been filed under separate cover as Exhibit "C,"*  
9 *but incorporated herein for reference*). Further, the Business provides the DEBTOR with  
10 meaningful post-petition income and will provide the DEBTOR with a means to ensure they have a  
11 "fresh start" after the conclusion of the bankruptcy case.

12 WHEREFORE, THOMAS & LAURA PERON, now bring this Motion and pray for an  
13 Order compelling the Trustee to abandon the Business as an asset of the Estate.

14  
15 DATED: 9/11/11

16 By:   
17 John S. Sargetis, Esq.  
18 UNITED LAW CENTER  
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